

Application Serial No. 10/082,011
Attorney Docket No. 86012-31500 USPT

REMARKS

Claims 1, 2, 6-15, 30-32, 36-43, 45, and 46 and new claims 48 to 51 are presented herein for the Examiner's review and consideration. Method Claims 16 to 28 have been canceled without prejudice, and Applicant reserves the option to file the claims in a subsequent application. Claims 1, 6, 14, 30, 31, and 45 have been amended. Support for these amendments can be found throughout the present application, and in particular in the originally filed claims and in the drawings. Thus, no new matter has been introduced by these amendments.

Objections to the Drawings

In the Office Action, the Examiner objected to the drawings under 37 C.F.R. 1.83(a) for failing to disclose the combination of a polymeric bag and a trash bag or a container. Figure 1 has been amended to schematically include the feature of a container, which is represented by reference character 30, and presently recited in pending claims 31 through 45. Support for this amendment is found in the originally filed claims and in the specification at page 4, lines 19 to 24. Thus, no new matter has been introduced by this amendment. Applicant respectfully requests that the objection to the drawings be withdrawn.

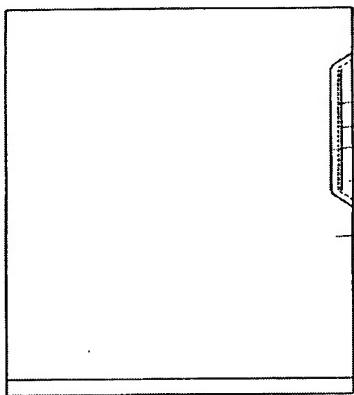
Claim Rejections Under 35 USC 103(a)

In the Office Action, the Examiner rejected claims 1, 2, 6-15, 30-32, 36-43, 45, and 46 under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,980,109 to Wan ("Wan"). Applicants respectfully traverse these rejections.

Claims 1, 2, and 6 to 15 and Claims 31, 32, 36 to 43

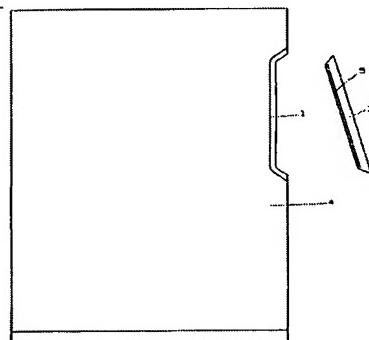
Wan is directed to a self-tied garbage bag. The self-tied garbage bag is provided with a tie strip which is removable from the bag body and which can be used to tie the bag closed. As illustrated in Figure 1 of Wan, reproduced below, the garbage bag body (4) includes a pair of thermal bonding lines (1 and 5) located on one side of the bag body (4). Located within and between the pair of thermal bonding lines is tear line or a rupturable separation line (2).

Wan Figure 1



As illustrated in Figure 2 of Wan, reproduced below, the tear line (2) is specifically provided to enable a tie (3) to be torn away from and separated from the bag body. The tie is required for closing the top of the garbage bag.

Wan Figure 2



The thermal bonding line 1 of Wan is required because the action of separating the tear line from the remainder of the bag would result in an hole being left in the bag body.

In contrast, both independent claim 1 and independent claim 31 recite a polymeric bag including, *inter alia*, at least a first narrowing seal extending inwardly and downwardly from near or at one of the pair of opposing sides of the bag. The first narrowing seal defines a first portion of the bag between the first narrowing seal and the corresponding side, such that a

Application Serial No. 10/082,011
Attorney Docket No. 86012-31500 USPT

second width of the first and second panels is created that is smaller than the original widths of the first and second panels. The first portion is non-removably attached to a remaining portion of the polymeric bag.

Wan does not disclose or suggest a narrowing seal defining a first portion that is fixedly attached to a remaining portion of the bag. In fact, Wan actually specifies in contradistinction such a feature. As described above, the focus of Wan's invention is that of a removable strip to be used as a tie. As such, there is no motivation or suggestion in Wan or in the knowledge generally available to one of ordinary skill in the art to modify Wan to include a first narrowing seal defining a non-removable portion as recited in Claim 1.

Applicant respectfully submits that both independent claim 1 and independent claim 31 are allowable over Wan, independently or in combination with the prior art of record. As each of independent claims 1 and 31 are allowable, each of dependent claims 2, and 6 to 15, and dependent claims 32, and 36 to 43, are also allowable for at least depending from claims 1 and 31, respectively.

Moreover, dependent claims 2 and 7 are further allowable for reciting additional features not disclosed or suggested by Wan. For Example, claim 2 recites a second narrowing seal, and claim 7 recites that the first narrowing seal is arcuate or triangular in shape.

Further, none of the other prior art of record disclose or suggest the features discussed above. At least for these reasons, claims 1, 2, 6 to 16, 31, 32, and 36 to 43 are allowable over the prior art of record.

Claim 30 and Claims 45 to 46

In contrast to the teaching of Wan, independent Claim 30 and independent claim 45, each recite a bag including, *inter alia*, a first layer and a second layer joined along a pair of opposing sides and a bottom, such as by forming, folding, sealing, adhering, or otherwise. The first and second layers each having an original width between the opposing sides. The bag also includes a first narrowing seal sealing the first layer to the second layer, and a second narrowing seal sealing the first and the second layer, each narrowing seal extending inwardly and downwardly from a corresponding side. The first and second narrowing seals are disposed closer to an open top of the bag than to the closed bottom of the bag, such that a

Application Serial No. 10/082,011
Attorney Docket No. 86012-31500 USPT

second width of the first and second layers is created than the original width of the first and second layers.

Wan does not disclose or suggest the features of independent claim 30 or independent claim 45. For Example, Wan does not disclose or suggest a first narrowing seal and a second narrowing seal. Indeed, in contradistinction with the present invention, Wan merely discloses a bag having a removable tie strip (2) attached to one side of the bag body (4). Wan specifies that the tie strip be used by a consumer to close the bag; there is no motivation or suggestion in Wan to modify the reference further to include first and second narrowing seals. Even assuming that the tie strip is a "narrowing seal," as apparently suggested by the Examiner, there is no motivation in Wan or in the knowledge of one ordinarily skilled in the art to modify Wan to further include a second tie strip, let alone, first and second narrowing seals. Accordingly, Applicant respectfully submit that both independent claim 30 and independent claim 45 are allowable over Wan independently, or in combination with the prior art of record. As independent claim 45 is allowable, dependent claim 46 is also allowable for at least depending from claim 45.

Further, none of the other prior art of record disclose or suggest the features of claims 30, and claims 45 to 46. For Example, none of the prior art of record teaches or suggests a bag including among other things, an open top and first and second narrowing seals disposed closer to the open top than to the closed bottom of the bag. Thus, at least for these reasons, claims 30, and 45 to 46 are allowable over the prior art of record.

New Claims 48 to 50

New claims 48 to 51 are dependent upon allowable independent claims 1, 30, 31, and 45. For at least this reason, new claims 48 to 51 are allowable over the prior art of record. Moreover, claims 48 to 51 are allowable over the prior art of record for further reciting a bag having the additional feature of tying flaps in combination with the narrowing seals of the invention.

Applicant respectfully submits that this patent application is now in condition for allowance. The timely notice of allowance is respectfully requested.

Should any issues remain, Applicant hereby formally requests an interview with the Examiner to discuss the same to expedite the allowance of the claim in this application.

EXPRESS MAIL NO.: EV346811635US

Application Serial No. 10/082,011
Attorney Docket No. 86012-31500 USPT

Except as set forth in the Petition for Extension of Time, no additional fees are believed to be due for this submission. Should any additional fees be due, however, please charge the required fee to Winston & Strawn Deposit Account No. 50-1814.

Respectfully submitted,

9/3/2004
Date

Lisa A. Chiarini
Lisa A. Chiarini (Reg. No. 50,932)
For: Daniel J. Hulseberg (Reg. No. 36,554)

WINSTON & STRAWN
Customer No. 28763

212-294-6700



Application No. 10/082,011
Attorney Docket No. 86012.31500 USPT
Annotated Sheet Showing Changes

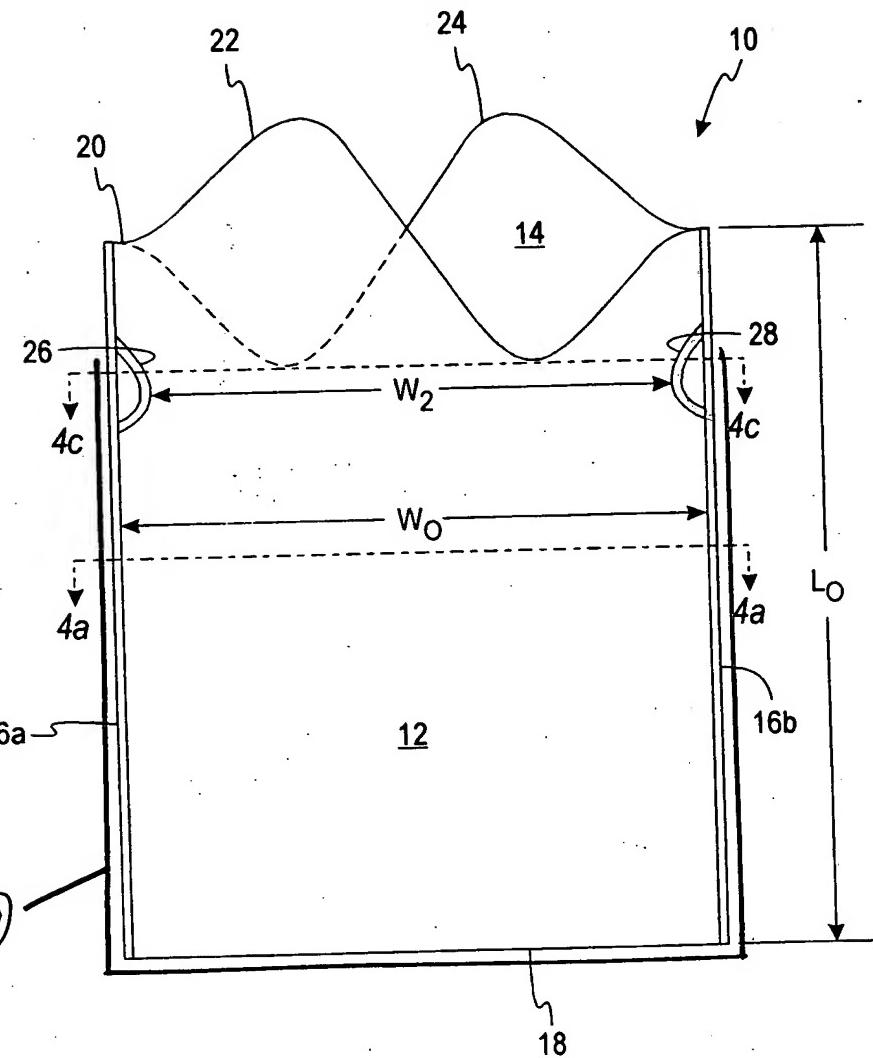


FIG. 1